

Air Transport Services, Inc.

PETITION FOR EXEMPTION

January 25, 2022

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building Ground Floor
Room W12-140
Washington, DC 20590

RE: Petition for Exemption from: 14 CFR § 61.113(c)

Dear Administrator:

Air Transport Services, Inc. ("ATS") is a Tennessee non-profit Volunteer Pilot Organization established in January 2022 to provide disaster relief and humanitarian aid to individuals affected by natural disasters, pandemics, and medical emergencies throughout the United States and the Caribbean Islands. ATS operates exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. In accord with 14 CFR § 11.81, ATS wishes to petition for an exemption from 14 CFR § 61.113(c) to allow reimbursement of fuel costs for volunteer pilots conducting charitable flights for ATS.

(A) CONTACT INFORMATION

14 CFR § 11.81(a): Your name and mailing address and, if you wish, other contact information such as a fax number, telephone number, or e-mail address.

Michael Puehler
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(B) SPECIFIC EXEMPTION SOUGHT

14 CFR § 11.81(b): The specific section or sections of 14 CFR from which you seek an exemption.

Air Transport Services hereby petitions for an exemption from:

14 CFR § 61.113(c): *A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees.*

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ATS seeks relief from this regulation in order to allow reimbursement of fuel expenses for public benefit flights, similar to Exemption No. 10360F granted to Angel Flight of New England, Inc.¹

(C) REASON FOR EXEMPTION

14 CFR § 11.81(c): The extent of relief you seek, and the reason you seek the relief.

The goal of Air Transport Services is to provide public benefit flights for patient and medical transport, disaster relief, humanitarian assistance, or other similar charitable missions. ATS's primary area of focus is the Caribbean islands due to the limited healthcare and transportation options after a disaster, such as a hurricane, earthquake, or volcanic eruption. Providing aid in this area often requires a sustained effort for several months until commercial services are restored and able to care for the local needs. The fuel costs associated with these flights often restrict the number of flights a volunteer pilot can conduct, thus limiting the amount of aid that can be rendered to those in need of such services. The exemption sought in this petition would allow ATS to reimburse its volunteer pilots for fuel costs incurred for charitable flights, allowing those volunteer pilots to make more flights, which, in turn, would provide more assistance to those in need of medical care and disaster relief aid.

(D) PUBLIC BENEFIT

14 CFR § 11.81(d): The reasons why granting your request would be in the public interest; that is, how it would benefit the public as a whole.

Air Transport Services works closely with organizations that provide free medical care to individuals impacted by natural disasters. Doctors and medical equipment are transported into disaster areas to provide emergency treatment on site. These organizations also provide supplies as well as volunteer workers to help stabilize and rebuild damaged property after a disaster. In addition, at times, it may be necessary to evacuate people out of harm's way. These services are free of charge to those that need them. The requested exemption is in the public's interest as it would allow ATS to provide essential medical care, disaster relief, and other support services to those in need. Specifically, an exemption from 14 CFR § 61.113(c) would allow ATS to reimburse volunteer pilots for the fuel used to provide the charitable flights, resulting in a greater number of flights. Without the exemption, the number of flights a volunteer pilot would be able to make would be severely limited due to the cost of fuel. An increased number of flights will result in more medical care and disaster relief to affected individuals.

¹ Federal Aviation Administration. (2021, June 10). *Exemption Number: 10360F - Angel Flight of New England, Inc. dba Northeast*. Automated Exemption System. Retrieved December 15, 2021, from <https://aes.faa.gov/AES/Exemption?ExemptionNumber=25710>

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(E) SAFETY

14 CFR § 11.81(e): The reasons why granting the exemption would not adversely affect safety, or how the exemption would provide a level of safety at least equal to that provided by the rule from which you seek the exemption.

Granting the exemption would not adversely affect safety because Air Transport Services is dedicated to safety and professionalism. To that end, ATS has developed the following procedures which are designed to foster a culture of safety, enhance the experience level of volunteer pilots, and create an atmosphere of willful compliance with FAA regulations.

Safety Management System. ATS has developed a Safety Management System that meets the requirements of 14 CFR § 5 and will be submitting it to the SMS Program Office (AFS-900) for approval within the next six months. The Safety Management System is an organization-wide comprehensive and preventative approach to managing safety. It includes a safety policy, formal methods for identifying hazards and mitigating risks, and various policies, procedures, and recommendations designed to enhance and promote a culture of safety.

Operational Policies and Procedures Manual. ATS has developed an Operational Policies and Procedures Manual (ATS-1) for the organization which addresses areas such as:

- Pilot and currency requirements
- Insurance requirements
- Standard operating procedures
- Passenger restraint requirements
- Rest requirements and flight time limitations
- Pilot and Passenger briefings
- Instrument flight rule policies
- Takeoff and landing performance requirements
- Emergency procedures
- Sterile cockpit procedures

Flight Risk Assessment Tool. ATS has developed a Flight Risk Assessment Tool (FRAT), along with a reference guide, to help the pilot identify, quantify, and mitigate risks associated with a flight. The FRAT is modeled after InFO 07015 and, if the exemption is granted, will be submitted to the FAA General Aviation and Commercial Division (AFS-800) for approval if the exemption is granted

Pilot Qualification Verification. Air Transport Services has a process to verify that only qualified and trained pilots are used on public benefit flights. This process includes:

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- Documenting pilot certificates, medical certificates, pilot experience, etc.
- Documenting the pilot attestation that they meet the recent flight experience requirements of 14 CFR § 61.57 prior to each flight.

Training Program. Volunteer pilots are required to complete an initial pilot training curriculum upon enrollment and a recurrent pilot training curriculum on an annual basis. These curricula contain modules that address:

- Safety Management System
- Flight Risk Assessment Tool
- Operational policies and procedures
- Weight and balance
- Runway limitations
- Handling passengers
- Aviation professionalism

Aircraft Standards. To ensure that the aircraft used to conduct flights under the exemption are maintained in accordance with 14 CFR § 91 Subpart E, 14 CFR § 43, or other inspection programs approved by the FAA, Air Transport Services will maintain a copy of the aircraft logbook entry for the most recent annual inspection of those aircraft. Additionally, each aircraft operated under the exemption must have a standard airworthiness certificate.

Records. ATS will maintain the following documentation which will be made available to the FAA upon request:

- Pilot records
- Aircraft records
- Flight Risk Assessment Tool results
- Reimbursement records

These procedures will enhance the safety of the operation and would ensure that the volunteer pilot organization operates at a level of safety that is equivalent to the rule from which an exemption is sought. A full explanation of these procedures can be found in the Operational Policies and Procedures Manual (ATS-1), Safety Management System Manual (ATS-2), and the Flight Risk Assessment Tool Reference Guide (ATS-4).

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(F) SUMMARY OF PETITION

14 CFR § 11.81(f): A summary we can publish in the Federal Register, stating:

(1) The rule from which you seek the exemption; and

(2) A brief description of the nature of the exemption you seek.

Air Transport Services, Inc. is a Volunteer Pilot Organization utilizing a 26 U.S.C. § 501(c)(3) nonprofit corporation whose primary purpose is to provide public benefit flights for patient and medical transport, disaster relief, humanitarian assistance, or other similar charitable missions. Air Transport Services works closely with organizations that provide free medical care to individuals impacted by natural disasters. The Caribbean islands is our primary area of focus due to the limited healthcare and transportation options available after disasters, including hurricanes, earthquakes, or volcanic eruptions. Providing aid to the islands after a disaster often requires a sustained effort for several months until commercial services are restored and the local needs are cared for. Doctors and medical equipment are transported into disaster areas to provide on-site emergency treatment. These organizations also provide supplies and volunteer workers who work to stabilize and rebuild damaged property after a disaster. At times, it is also necessary to evacuate people out of harm's way. These services are free of charge to those that need them. We believe the requested exemption is in the public's interest to provide essential medical care, disaster relief, and other support services to those in need.

Air Transport Services hereby petitions for an exemption from:

14 CFR § 61.113(c): *A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees.*

ATS believes it is in the public interest to allow it to reimburse volunteer pilots for fuel costs incurred on charitable flights. An exemption from 14 CFR § 61.113(c) would allow ATS to reimburse volunteer pilots for fuel costs, allowing those pilots to increase, rather than limit, the number of flights they can provide. And an increased number of flights will result in more aid to those who need medical care and disaster relief.

(G) ADDITIONAL INFORMATION

14 CFR § 11.81(g): Any additional information, views, or arguments available to support your request.

Since 2012, the FAA has granted 32 exemptions from 14 CFR § 61.113(c) to various organizations engaged in public benefit flying. This request would not set a precedent and would be consistent with those exemptions granted to organizations such as Angel Flight of New England, Inc. (10360F), Patient Airlift Services, Inc. (10294E), and Vital Flight, Inc. (17243A).

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(H) GEOGRAPHIC AREA OF OPERATION

14 CFR § 11.81(h): If you want to exercise the privileges of your exemption outside the United States, the reason why you need to do so.

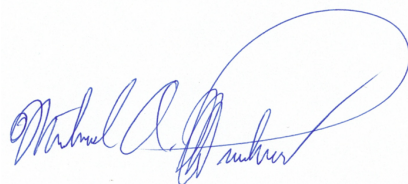
In addition to the contiguous United States, Puerto Rico, and the U.S. Virgin Islands, Air Transport Services would like to exercise the privileges of the exemption outside the United States to include the Caribbean. Air Transport Services responds to medical requests in the Caribbean, as well as disaster relief to areas affected by hurricanes, earthquakes, or other natural disasters. Disasters are frequent in the Caribbean and due to limited transportation options, volunteer pilots provide a much-needed solution. Providing aid in this area requires a sustained effort for several months until commercial services are restored and able to care for the local needs.

Requested Geographic Area of the Caribbean		
Anguilla	Dominican Republic	St. Lucia
Antigua and Barbuda	Grenada	St. Maarten
Aruba	Guadeloupe	St. Martin
Bahamas	Haiti	St. Vincent and the Grenadines
Barbados	Jamaica	Trinidad and Tobago
Bermuda	Martinique	Turks and Caicos Islands
Bonaire	Montserrat	Virgin Islands, British
Cayman Islands	Puerto Rico	Virgin Islands, U.S.
Curaçao	St. Barthelemy	
Dominica	St. Kitts & Nevis	

CONCLUSION

The requested exemption enhances the safety of the volunteer pilot organization through increased pilot experience, regulatory compliance, and an enhanced culture of safety. By granting the exemption to Air Transport Services, the FAA will promote its mission, vision, and values of safety and professionalism to those engaged in public benefit flights.

Sincerely,



Michael A. Puehler, CEO
Air Transport Services, Inc.